

REMARKS

The Office Action dated August 2, 2002 has been carefully reviewed. Claims 1-18 are pending in this patent application. Reconsideration of this application is respectfully requested.

35 U.S.C. § 103 (Addy/Cotton)

Claims 1-18 were rejected under 35 U.S.C. § 103 as being unpatentable over Addy et al. (U.S. Patent No. 6,056,087) in view of Cotton et al. (U.S. Patent No. 4,630,110). Reconsideration of this rejection is respectfully requested.

Discussion re: Patentability of Claim 1

1. Claim 1

Claim 1 reads as follows:

1. A method of operating a self-service checkout terminal located in a checkout area of a retail store, comprising the steps of:
 - generating a payment-tendered control signal when a user of said self-service checkout terminal tenders payment for a number of items for purchase;
 - detecting if said user exits said checkout area of said retail store and generating a walk-away control signal in response thereto; and
 - generating a personnel-request control signal if said walk-away control signal is generated prior to generation of said payment-tendered control signal.

Applicant's invention of claim 1 is directed at the situation in which a customer attempts to walk away from a self-service retail checkout terminal prior to tendering payment for his or her items for purchase. In traditional checkout systems, a clerk employed by the retailer to operate the checkout terminal monitors or otherwise ensures that the customer pays for his or her items for purchase prior to walking away from the checkout terminal. However, in the

case of a self-service retail checkout terminal, a clerk is not present. Applicant's invention of claim 1 effectively addresses this problem present in the self-service retail environment.

2. Proposed Combination of Addy and Cotton

In the August 2, 2002 Office Action (at page 3, line 11-16), it was stated that:

It would have been obvious ... to know that the Addy et al system would be modified to include a pressure sensitive floor to determine if the user walks away from the checkout area (as taught by Cotton et al) that, when this occurs before a payment -tendered is generated, security officers would be paged or a video camera would be recording the area.

Thus, it appears that the proposed combination is to modify the retail terminal of Addy which is operable to generate a payment-tendered control signal when a user tenders payment for a number of items for purchase so that its retail terminal includes a pressure sensitive mat (such as taught by Cotton) that indicates direction of travel of a person. The proposed combination would further include modifying the retail terminal so that the pressure sensitive mat is operable to create a walk-away control signal in response to detecting a user exiting a checkout area of a retail store. The proposed modification would additionally include modifying the retail terminal so that it is operable to generate a personnel-request control signal if the walk-away control signal is generated prior to generation of the payment-tendered control signal.

3. *There Exists No Teaching, Suggestion, or Incentive which Supports Combining Addy and Cotton in the Proposed Manner*

Obviousness cannot be established by modifying the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the modification.

A legally proper teaching, suggestion or incentive which supports combining Addy and Cotton in a manner which arrives at the invention of claim 1 does not appear to have been identified in the August 2, 2002 Office Action other than the proposed combination appears to teach that which is presently recited in claim 1. Applicant is unaware as to *why* the Examiner feels that one skilled in the art would have been motivated to combine these two references; i.e. why a store surveillance system with a pressure sensitive mat for detecting and/or counting customers within a store would be combined with a self-service retail/checkout terminal. Moreover, such a teaching, suggestion, or incentive does not appear to exist in the prior art. Absent such reasons or incentive, the teachings of the references are not properly combinable.

Moreover, nowhere in the Addy reference is there any appreciation that its security monitoring system of its retail terminal is inferior in any regard, and may need to be improved upon. Further, nothing in the Cotton reference nor any other cited reference alone or together suggests the claimed invention as a solution to the problem of a customer walking away from a self-service retail checkout terminal prior to tendering payment for his or her items for purchase. Cotton uses the pressure sensitive mat to determine when customers are

passing into and out of the store, as well as maintaining a count of the net number of customers at the store at any given time. That the claimed invention may employ some known principles (such as a pressure sensitive floor mat) does not itself establish that the invention would have been obvious (i.e. why would a self-service retail terminal need a pressure sensitive floor mat?). See e.g. *Lindermann Maschinenfabrik GmbH V. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984).

Accordingly, the August 2, 2002 Office Action does not identify a valid reason why one of ordinary skill in the art would be motivated to combine Addy and Cotton so as to arrive at the invention of claim 1. Nor does the cited art provide any legally proper teaching, suggestion or incentive that supports the proposed combination of Addy and Cotton. Consequently, a prima facie case of obviousness under 35 U.S.C. § 103 has not been established with regard to Applicant's invention of claim 1.

Discussion Re: Patentability of Claims 2-7

Each of claims 2-7 depends directly or indirectly from claim 1. As a result, each of claims 2-7 is allowable for the reasons hereinbefore discussed with regard to claim 1. Moreover, each of claims 2-7 recites further novel and nonobvious limitations. As a result, each of claims 2-7 is further allowable over the cited art.

If the Examiner maintains this rejection after considering the remarks presented herein, Applicants respectfully request that the Examiner identify what

teaching, suggestion or incentive exists which supports combining Addy and Cotton in the proposed manner so as to arrive at each of claims 2-7.

Discussion Re: Patentability of Claim 8

Claim 8 reads as follows:

8. A method of operating a self-service checkout terminal located in a checkout area of a retail store, comprising the steps of:
generating a payment-tendered control signal when a user of said self-service checkout terminal tenders payment for a number of items for purchase;
detecting movement of said user on a movement detection floor mat and
generating a walk-away control signal if said movement of said user is indicative of an attempt by said user to exit said checkout area of said retail store; and
generating a personnel-request control signal if said walk-away control signal is generated prior to generation of said payment-tendered control signal.

The discussion in regard to the patentability of claim 1 is relevant to the patentability of claim 8. As a result, claim 8 is believed to be allowable.

Discussion Re: Patentability of Claims 9-13

Each of claims 9-13 depends directly or indirectly from claim 8. As a result, each of claims 9-13 is allowable for the reasons hereinbefore discussed with regard to claim 8. Moreover, each of claims 9-13 recite further novel and nonobvious limitations. As a result, each of claims 9-13 is further allowable over the cited art.

Discussion Re: Patentability of Claim 14

Claim 14 reads as follows:

14. A self-service checkout terminal, comprising:
a movement detecting device for detecting movement of a user thereon;
a processing unit electrically coupled to said movement detecting device;
and
a memory device electrically coupled to said processing unit, wherein
said memory device has stored therein a plurality of instructions which, when
executed by said processing unit, causes said processing unit to:
(a) generate a payment-tendered control signal when said user of said
self-service checkout terminal tenders payment for a number of items for
purchase,
(b) detect if said user exits said checkout area of said retail store with
said movement detecting device and generate a walk-away control signal in
response thereto, and
(c) generate a personnel-request control signal if said walk-away control
signal is generated prior to generation of said payment-tendered control signal.

The discussion in regard to the patentability of claim 1 is relevant to the
patentability of claim 14. As a result, claim 14 is believed to be allowable.

Discussion Re: Patentability of Claims 15-18

Each of claims 15-18 depends directly or indirectly from claim 14. As a
result, each of claims 15-18 is allowable for the reasons hereinbefore discussed
with regard to claim 8. Moreover, each of claims 15-18 recite further novel and
nonobvious limitations. As a result, each of claims 15-18 is further allowable
over the cited art.

Conclusion

In view of the foregoing remarks, it is submitted that this application is in condition for allowance. Action to that end is hereby solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bruce J. Bowman", written over a horizontal line.

Bruce J. Bowman
Attorney for Applicant
Registration No. 35,458

October 21, 2002

Maginot, Moore & Bowman
Bank One Center/Tower
111 Monument Circle, Suite 3000
Indianapolis, Indiana 46204-5130
Phone: (317) 638-2922
Fax: (317) 638-2139